

By Representatives Melvin, Miller and Brown

1 A bill to be entitled
2 An act relating to Okaloosa County; creating
3 and establishing an independent special
4 district in said county to be known as the
5 North Okaloosa Fire District; creating a
6 charter; describing the district; prescribing
7 its powers; providing for a board of fire
8 commissioners; providing for compensation;
9 requiring a bond; providing for terms of office
10 and for filling vacancies in office; providing
11 for meetings, minutes of meetings, and public
12 access; providing for financial matters;
13 authorizing non-ad valorem assessments;
14 authorizing the district to accept gifts and
15 donations; providing the district's fiscal
16 year; providing for collection of taxes;
17 providing limits and guidelines for
18 indebtedness of the district; prescribing
19 authorized uses of district funds; providing a
20 penalty; ratifying actions previously taken;
21 requiring certain notice of legal action;
22 providing for a district expansion and merger;
23 providing severability; providing for a
24 referendum; providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Pursuant to section 191.015, Florida
29 Statutes, this act constitutes the codification of all
30 ordinances relating to the North Okaloosa Fire District. It is
31 the intent of the Legislature in enacting this act to provide

1 a single comprehensive special act charter for the district,
2 including all current legislative enactments and any
3 additional authority granted by this act.

4 Section 2. The North Okaloosa Fire District is created
5 as follows:

6 Section 1. Creation; boundaries.--Upon this act
7 becoming a law, all of the following lands lying in Okaloosa
8 County shall be incorporated as an independent special fire
9 control district, which shall be a public municipal
10 corporation for the public benefit, with perpetual existence,
11 to be known as the North Okaloosa Fire District, in which case
12 it may sue and be sued, lease, own, possess, and convey real
13 and personal property, by purchase or gift or otherwise, in
14 order to carry out the purposes of this act. The lands so
15 incorporated shall include the following:

16
17 Beginning at the Northeast corner of Section
18 12, Township North, Range 23 West, thence West
19 along Section lines to the Northwest corner of
20 Section 7, Township 4 North, Range 23 West, and
21 the channel of the Yellow River, thence
22 Southerly along the channel of the Yellow River
23 to the North Section line of Section 2,
24 Township 3 North, Range 24 West, thence run
25 West along Section lines to the intersection of
26 Old River Road, thence run South along Old
27 River Road to the intersection of Griffith
28 Cemetery Road, thence continue on Griffith
29 Cemetery Road to the intersection of Buck Ward
30 Road, thence continue Southwesterly to Mill
31 Creek, thence Southwesterly to the intersection

1 of Garrett Mill Road and Olin Merritt Street,
2 thence West along Garrett Mill Road to the
3 intersection of Highway 4, continue North along
4 Highway 4 for approximately 3/8 miles to the
5 intersection of Keyser Mill Road, thence
6 Southwest along Keyser Mill Road to Baggett
7 Creek and the Northwest corner of Section 20,
8 Township North, Range 24 West, thence South
9 along Section lines to the Southwest corner of
10 Section 29, Township 3 North, Range 24 West,
11 thence East along Section lines to the channel
12 of the Yellow River, thence Southerly along the
13 channel of the Yellow River to the intersection
14 of the boundary with Eglin Air Force Base,
15 thence run 14 East along Eglin Air Force Base
16 boundary, to the Southwest corner of Section
17 11, Township 2 North, Range 24 West, thence run
18 North along Section line to the channel of the
19 Shoal River, thence Easterly along the channel
20 of the Shoal River to the intersection of the
21 North Section line of Section 12, Township 2
22 North, Range 24 West, thence run East along
23 Section line to the channel of the Shoal River,
24 thence Southerly and Easterly along the channel
25 of the Shoal River to the intersection of the
26 boundary of Eglin Air Force Base, thence run
27 Easterly along the boundary line of Eglin Air
28 Force Base to the Southeast corner of Section
29 1, Township 2 North, Range 23 West, thence run
30 North along Section lines to the North
31 right-of-way boundary of Interstate 10, thence

1 run West along said North right-of-way boundary
2 of Interstate 10 to the channel of the Shoal
3 River, thence Easterly and Northerly along
4 channel of Shoal River to the East Section line
5 of Section 1, Township 3 North, Range 23 West,
6 thence along Section lines to the Point of
7 Beginning, less and except the City Limits of
8 the Town of Crestview, Okaloosa County,
9 Florida. Also described as all of the
10 following property less and except the City
11 Limits of the Town of Crestview, Okaloosa
12 County, Florida, All of Sections 7, 8, 9, 10,
13 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22,
14 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34,
15 35, 36, in Township 4 North, Range 23 West; All
16 of Sections 12, 13, 24, 25, 35, 36, in Township
17 4 North, Range 24 West; All of Sections 2, 3,
18 4, 5, 6, 7, 8, 9, 10, 11, 15, 16, 18, 19, 20,
19 21, 23, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36,
20 and that portion of Sections 1, 12, 13, 14, 23
21 West of the Shoal River and that portion of
22 section 26 that is both West of the Shoal
23 River and South of Interstate 10, in Township 3
24 North, Range 23 West; All of Sections 1, 2, 10,
25 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26,
26 27, 28, 29, 34, 35, 36, all of Section 3 except
27 that portion that is both West of Old River
28 Road and North of Griffith Cemetery Road, that
29 portion of Section 4 both East of Griffith
30 Cemetery Road, and East of a line drawn
31 Southwesterly from the intersection of Griffith

1 Cemetery Road and Buck Ward Road to the
2 intersection of Garrett Mill Road and Olin
3 Merritt Street, that portion of Section 9 East
4 of a line drawn Southwesterly from the
5 intersection of Griffith Cemetery Road and Buck
6 Ward Road to the intersection of Garrett Mill
7 Road and Olin Merritt Street, and all of
8 Section 16 less and except a portion that is
9 both West of a line drawn Southwesterly from
10 the intersection of Griffith Cemetery Road and
11 Buck Ward Road to the intersection of Garrett
12 Mill Road and Olin Merritt Street and North of
13 Garrett Mill Road, and that portion of Section
14 17 both East of Keyser Mill Road and South of
15 Garrett Mill Road, that portion of Section 33
16 East of the Yellow River, in Township 3 North,
17 Range 24 West; all of Sections 1,2,3,4,5,6, and
18 that portion of section 7 North of the Shoal
19 River, in Township 2 North, Range 23 West; All
20 of Sections 1,2,3,10, and those portions of
21 Sections 4 and 9 East of the Yellow River, and
22 that portion of Section 11 North of the Shoal
23 River, in Township 2 North, Range 24 West. Any
24 federal lands or lands located within the
25 described boundaries of the City of Crestview
26 are excluded from the district. If any portion
27 of the district is annexed into a municipality
28 or becomes part of another fire district, the
29 North Okaloosa Fire District shall be entitled
30 to receive all revenues, including non-ad
31 valorem assessments and impact fees generated

1 from that property in the calendar year of
2 annexation, i.e. January 1 through December 31.

3
4 Section 2. District; powers.--The district is an
5 independent special fire control district under chapter 191,
6 Florida Statutes. The provisions of that chapter, specifically
7 including sections 191.006 and 191.008, Florida Statutes,
8 prescribing general and special powers, apply to the district,
9 but if any provision of that chapter conflicts with this act,
10 the provisions of this act control.

11 Section 3. Board of Fire Commissioners.--The business
12 and affairs of the district shall be conducted and
13 administered by a board of five commissioners. Each member of
14 the board must, at the time of qualifying for and during the
15 term of office, be an elector of Okaloosa County, a resident
16 of the district, and, if elected from a geographic area, a
17 resident of that geographic area. The board shall elect from
18 its number a chair, vice chair, and secretary-treasurer
19 annually in October. Such officers shall have the duties
20 usually pertaining to like officers. Members of the board
21 shall receive a stipend of \$250 a month, and are entitled to
22 reimbursement for expenses incurred in the conduct of their
23 official duties. Each member of the board, before entering
24 upon the duties of that office, shall execute to the Governor
25 for the benefit of the district a good and sufficient bond in
26 the sum of \$1,000, conditioned to faithfully perform the
27 duties of that office and to account for all funds of the
28 district which come into his or her hands. The premium of the
29 bond shall be paid from funds of the district. Special notice
30 of any meeting at which the board will consider a salary
31 change for a board member shall be published at least once, at

1 least 14 days prior to the meeting, in a newspaper of general
2 circulation in Okaloosa County. Separate compensation for the
3 board member serving as treasurer may be authorized by like
4 vote, so long as total compensation for the board member does
5 not exceed \$500 per month. Members may be reimbursed for
6 travel and per diem expense as provided in section 112.061,
7 Florida Statutes.

8 Section 4. Fire commissioners; terms of office;
9 vacancies.--Each fire commissioner shall serve a term of 4
10 years and shall be eligible for reelection. Each commissioner
11 shall continue to hold office until the expiration of the term
12 to which he or she was elected. The North Okaloosa Fire
13 District shall be divided into four separate geographic areas.
14 One commissioner, who must reside in the geographic area,
15 shall be elected from each geographic area by a vote of all
16 electors residing in the North Okaloosa Fire District and
17 voting in the general election. One commissioner, who must
18 reside in the North Okaloosa Fire District geographic area and
19 may reside in any geographic area within the district, shall
20 be elected by a vote of all electors residing in the North
21 Okaloosa Fire District and voting in the general election. The
22 boundaries of the four separate geographic areas shall be set
23 by the fire commissioners based on geographic and population
24 criteria, with due consideration given to the location of the
25 district fire stations and precinct lines. If an office
26 becomes vacant, the vacancy shall be filled by appointment by
27 the remaining members of the board for the unexpired portion
28 of the term. A person appointed to fill a vacancy must meet
29 the same qualifications as candidates for election. The Board
30 of Fire Commissioners shall be the sole, exclusive, and final
31

1 arbitrator of the right of an individual to serve as fire
2 commissioner.

3 Section 5. Meetings; minutes.--A record shall be kept
4 of all meetings of the board. In any meeting, the concurrence
5 of a majority of the members of the board is necessary for any
6 action by the board. Meetings of the board and minutes of
7 meetings are open to the public in conformance with section
8 286.011, Florida Statutes, or its successors.

9 Section 6. Financial matters.--The board may levy a
10 non-ad valorem assessment on taxable property within the
11 district. The initial schedule shall be as follows: \$10 for 5
12 or less acres of vacant land; an additional \$2 per acre for
13 each acre or portion thereof up to a maximum of \$70 for 35
14 acres or more; \$75 for a single-family residence; \$94 for
15 special commercial property; \$188 for all other commercial
16 property; and \$250 for trailer parks from 2 to 9 units and an
17 additional \$200 for each 10 trailers or portion thereof. These
18 amounts may be increased as provided by statute or by 3
19 percent per annum, whichever provides greater revenue to the
20 district. If the rate increase is to be greater than the
21 amount provided in the statute, the increase must be approved
22 by a unanimous vote of the board. The non-ad valorem
23 assessment authorized by this section shall become a lien on
24 the property so assessed until paid. If the assessment lien
25 becomes delinquent, it shall be subject to the same penalties,
26 charges, and fees for enforcement and collection as county
27 non-ad valorem assessments and shall be enforced and collected
28 as provided by law, including attorney fees. The district's
29 non-ad valorem assessments shall be a first lien superior in
30 dignity to all other liens except liens for county ad valorem
31 taxes. The board may accept gifts and donations and may carry

1 on community projects for fundraising purposes. The fiscal
2 year of the district shall run from October 1 until September
3 30 of the following year.

4 Section 7. Taxes; collection.--The Board of Fire
5 Commissioners shall notify the Okaloosa County Property
6 Appraiser annually of assessments that the board has imposed
7 on each parcel of property within the district, and the
8 property appraiser shall include these taxes in the notice of
9 proposed property taxes and adopted non-ad valorem assessments
10 for the properties within the district.

11 Section 8. Indebtedness.--The Board of Fire
12 Commissioners may borrow money for the purposes of the
13 district. The total principal and interest that may be
14 outstanding may not exceed 50 percent of the total assessment
15 roll. The board may pledge collections on such roll and may
16 give tax anticipation notes, which shall be the sole security
17 for such loans. Neither the district nor any commissioner
18 shall be personally liable for such a loan or any part
19 thereof. If there is a pledge of collections on the district
20 assessment roll, it is the duty of the board, upon collection
21 of the roll so pledged, to apply the first proceeds thereof to
22 the payment of principal and interest on the loan for which
23 the assessment was pledged. Except as provided herein, the
24 board may not create indebtedness or incur obligations for any
25 sum that it is unable to pay out of district funds then in its
26 possession.

27 Section 9. Use of funds.--Funds of the district may
28 not be used for any purpose other than for the administration
29 of the affairs and business of the district; for the
30 construction, care, maintenance, upkeep, operations, and
31 purchase of standard firefighting equipment, which must meet

1 the requirements of the underwriters' association; for
2 construction and maintenance of fire stations, installation of
3 fire hydrants, and payment of public utilities, such as
4 electricity and water; for the salary of one or more
5 firefighters; and for such other expenses as the board
6 determines to be in the best interest of the district.

7 Section 10. Penalty.--Any person who violates any
8 provision of this act or any rule adopted pursuant to this act
9 commits a misdemeanor of the second degree, punishable as
10 provided in section 775.082 or section 775.083, Florida
11 Statutes.

12 Section 11. Ratification of prior acts.--All acts of
13 the Board of Fire Commissioners of the North Okaloosa Fire
14 District which were taken before the effective date of this
15 act are ratified and confirmed.

16 Section 12. Presuit obligation.--No suit, action, or
17 proceeding shall be instituted or maintained in any court
18 against the district or the commissioners, or any
19 commissioner, unless the person bringing such claim shall
20 have, within 30 days after the accrual of such claim, given to
21 the commissioners, or one of them, a notice in writing setting
22 forth its nature, amount, and the place and manner in which it
23 accrued, together with the names and addresses of all
24 witnesses, with sufficient detail to enable the commissioners
25 to fully investigate. No suit, action, or proceeding shall be
26 instituted within 3 months after such notice shall have been
27 given.

28 Section 13. Exemption from taxation.--Inasmuch as the
29 exercise of the powers conferred by this act constitutes
30 action by a political subdivision performing essential public
31 functions and inasmuch as the property of the district

1 constitutes public property used for public purposes, all
2 assets and properties of the district, including property
3 acquired through the foreclosure of any tax or assessment
4 lien, are exempt from all taxes imposed by the state or any
5 political subdivision, agency, or instrumentality of the
6 state.

7 Section 14. District expansion and merger.--
8 (1) The boundaries of the district may be modified,
9 extended, or enlarged upon approval or ratification by the
10 Legislature, except that any tract of land, regardless of size
11 or number of parcels, may be annexed by contract or agreement
12 between the district and all property owners thereof. Such
13 property owners shall first file a petition with the Board of
14 Fire Commissioners of the district stating their intention
15 that such land be annexed, describing the boundaries thereof,
16 and requesting a public hearing. It shall be the duty of the
17 board to set a date for a hearing of such petition and to
18 publish a notice of hearing once a week for 2 consecutive
19 weeks in some newspaper published or circulated in the
20 district and in the area proposed to be annexed, the first
21 notice of which shall appear at least 14 days prior to the
22 hearing. The notice shall state in general terms the matters
23 contained in the petition but must specifically state the
24 lands to be annexed. On the date set for the hearing, the
25 board may hear any evidence from the property owners who filed
26 such petition and shall hear from all persons in opposition
27 thereto. Upon a finding that the annexation of such property
28 is in the best interest of the development of the district,
29 the board may, by resolution duly passed, declare its
30 intention to annex such tract of land to the district
31 according to the terms and conditions of the petition. Thirty

1 days after the approval of the resolution by the board and the
2 petitioners, the tract of land shall be annexed to the
3 district.

4 (2) The merger of the district with all or portions of
5 other independent special districts or dependent fire control
6 districts is effective only upon ratification by the
7 Legislature. The district may not, solely by reason of a
8 merger with another governmental entity, increase ad valorem
9 taxes on property within the original limits of the district
10 beyond the maximum established by the district's enabling
11 legislation, unless approved by the electors of the district
12 by referendum.

13 Section 3. In the event any section or provision of
14 this act is determined to be invalid or unenforceable, such
15 determination shall not affect the validity of or
16 enforceability of each other section and provision of this
17 act.

18 Section 4. In the event of a conflict of the
19 provisions of this act with the provisions of any other act
20 the provisions of this act shall control to the extent of such
21 conflict.

22 Section 5. This act shall take effect only upon its
23 approval by a majority vote of those qualified electors of the
24 district voting in a referendum election to be called by the
25 Board of Fire Commissioners of the North Okaloosa Fire
26 District and to be held within 2 years after the date this
27 section becomes a law, in accordance with the provisions of
28 law relating to elections currently in force, except that this
29 section shall take effect upon becoming a law.

30
31